

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/757,652 Confirmation No. 3926  
Applicant : Blake Cumbers  
Filed : January 13, 2004  
Title : PASSIVE BIOMETRIC CUSTOMER IDENTIFICATION AND  
TRACKING SYSTEM  
TC/A.U. : 3714  
Examiner : Mark Alan Sager  
Docket No. : 087620.000010  
Customer No. : 29747

Mail Stop AMENDMENT  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

**DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION  
OVER A PRIOR PATENT and  
DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION  
OVER A COPENDING APPLICATION**

Commissioner:

The owner, Biometric Recognition, LLC, of the entire right, title, and interest in the instant application by an assignment recorded at Reel 015653, Frame 0972, hereby disclaims:

1. Except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior Patent Nos. 6783459, 6554705 and 6234900 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full

statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;

- is held unenforceable;

- is found invalid by a court of competent jurisdiction;

- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

- has all claims canceled by a reexamination certificate;

- is reissued; or

- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer; and

2. Except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on copending Application Number 10/357,832, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said copending application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending copending application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the copending application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said copending application, "as the term of any patent granted on said copending application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending copending application," in the event that: any such patent: granted on the pending copending application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full

statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is the attorney of record.

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Respectfully submitted,

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Date: April 24, 2007